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Attorney for Lenders Protection Group

UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA

—ooOoo—

In Re:
 USA COMMERCIAL MORTGAGE
 COMPANY,
 Debtor.

Case Nos.:
 BK-S-06-10725-LBR
 BK-S-06-10726-LBR
 BK-S-06-10727-LBR
 BK-S-06-10728-LBR
 BK-S-06-10729-LBR

In Re:
 USA CAPITAL REALTY ADVISORS,
 LLC,
 Debtor.

JOINTLY ADMINISTERED
 Chapter 11

In Re:
 USA CAPITAL DIVERSIFIED TRUST
 DEED FUND, LLC,
 Debtor.

Hearing Date: March 1, 2007
 Hearing Time: 9:30 a.m.

In re:
 USA CAPITAL FIRST TRUST DEED
 FUND, LLC,
 Debtor.

**DECLARATION OF ADRIAN
 OOSTHUIZEN IN SUPPORT OF
 MOTION FOR LIMITED STAY
 PENDING
 APPEAL**

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:

- ☐ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

I, Adrian J R Oosthuizen, being first duly sworn, do depose and say under the penalty of perjury:

1. I am a creditor in the USA Commercial Mortgage Company ("USACM") bankruptcy case (BK-S-06-10725-LBR) with claims classified as A-4 (General Unsecured Claims) and A-5 (Direct Lender Compromise Claims) classified in Debtors' Third Amended Joint Chapter 11 Plan of Reorganization filed herein on November 15, 2006.

2. I have knowledge of and am competent to testify to the matters stated herein.

3. Attached hereto as Exhibit A are true and correct copies of the loan and or check statements which I received from the Debtor.

4. As detailed in Exhibit A, the Debtors have taken and are holding my property, namely portions of post-petition payments made by third-party borrowers to me as a lender, which payments are processed by Debtor USACM, as a loan servicer.

I hereby swear under penalty of perjury that the assertions of this Declaration are true.

DATED: February 28, 2007

Adrian J. R. Oosthuizen

Legal Vesting Name

By: 

Name

USA Commercial Mortgage Company
as Loan Servicing Agent for Loans Listed Below

Check Statement for January 1, 2007 through January 31, 2007

Account ID: 2350

Adrian J.R. Oosthuizen, a married man dealing with his sole & separate property

5860 Lausanne Dr
RENO, NV 89511-5034

Loan Name	Principal Received in Current Period	Prior Period Principal Due to (from) Investor	Net Interest Received in Current Period	Prior Period Interest Due to (from) Investor	Total Due to (from) Investor
60th Street Venture, LLC	\$0.00	\$0.00	\$0.00	\$1,540.32	\$1,540.32
Anchor B, LLC	\$0.00	\$0.00	\$0.00	(\$13,600.00)	(\$13,600.00)
Bay Pompano Beach	\$0.00	\$0.00	\$0.00	\$812.93	\$812.93
Beastar, LLC	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cabernet	\$0.00	\$0.00	\$464.74	\$2,319.74	\$2,784.48
Fiesta Murrieta	\$0.00	\$0.00	\$1,036.11	\$5,431.46	\$6,467.57
Foxhill 216, LLC	\$0.00	\$0.00	\$0.00	\$431.41	\$431.41
Gramercy Court Condos	\$0.00	\$0.00	\$0.00	\$74.75	\$74.75
HFA- Clear Lake	\$0.00	\$0.00	\$0.00	(\$4,650.02)	(\$4,650.02)
HFA- Riviera 2nd	\$0.00	\$0.00	\$0.00	\$229.38	\$229.38
La Hacienda Estate, LLC	\$0.00	\$0.00	\$899.51	\$7,272.58	\$8,172.09
Mountain House Business Park	\$0.00	\$0.00	\$0.00	\$1,714.80	\$1,714.80
Oak Shores II	\$0.00	\$0.00	\$0.00	\$1,205.49	\$1,205.49
Placer Vineyards	\$0.00	\$0.00	\$0.00	(\$4,898.42)	(\$4,898.42)
Riviera - Homes for America Holdings, L.L.C.	\$0.00	\$0.00	\$0.00	\$2,115.58	\$2,115.58
	\$0.00	\$0.00	\$2,400.37	\$0.00	\$2,400.37

Prior Period Holdback:

Uncollected Amount	(\$2,641.02)
Released Amount	\$4,315.08

Court Required Holdbacks:

2% Service Fees	(\$388.58)
Collection Costs	(\$8.02)
Net Check Amount	\$3,677.83

The current period is the period covered by the statement.
The prior period reflects the amounts netted or held back post-petition.
This statement is provided for information purposes only and is intended for the sole benefit of the named vested party.
This statement is not intended to represent a loan payoff quote.
USACM reserves the right to update and supplement this statement.

THIS STATEMENT REFLECTS THE STATUS THROUGH JANUARY 31, 2007

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